IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION NOs : 4183 of 2005, 4000 of 2005 and 4129 of 2005

-

Writ Petition No. 4183 of 2005:

Between:

M/S. CARAVAN SEEDS PVT LTD.,

rep. by the Managing Director,
K. Mallikarjuna Naidu, S/o. Venkata Ramana,
D.No.II-279, Society Colony, Madhanapalli,

Chittoor District (A.P).

..... PETITIONER

AND

1. The Govt. of A.P., rep. by the Principal Secretary,
Agriculture and Cooperation (Marketing) Department,

Secretariat, Hyderabad.(A.P.).
2. Commissioner and Director of Marketing,

Burgula Ramakrishna Rao Building,
Near Tank Bund, Hyderabad A.P.
3. Director General Vigilance and Enforcement, Govt of A.P.,

Burgula Ramakrishna Rao Buildings,
Near Tank Bundk, Hyderabad A.P.
4. Agricultural Market Committee, rep. by the Secretary,

Hyderabad (Post & District.
5. Agricultural Market Committee, rep. by the Secretary,

Shankar Pally, R.R.District A.P.
6. Agricultural Market Committee, rep. by the Secretary,

Pargi, R.R.District (A.P.)
7. Agricultural Market Committee, rep. by the Secretary,

Medchal, R.R.District. A.P.
8. Agricultural Market Committee, rep. by the Secretary,

Nirmal, Adilabad District. A.P.
9. Agricultural Market Committee, rep. by the Secretary,

Khammam, Post and District. A.P.
10.Agricultural Market Committee, rep. by the Secretary,

Sattupalli, Khammam District A.P.
11.Agricultural Market Committee, rep. by the Secretary,

Kallur, Khammam District A.P.
12.Agricultural Market Committee, rep. by the Secretary,

Dammapet, Khammam District A.P.

13.Agricultural Market Committee, rep. by the Secretary,

Karimnagar (Post) & District A.P.

14 Agricultural Market Committee, rep. by the Secretary,

Jagtial, Karimnagar District A.P.
15 Agricultural Market Committee, rep. by the Secretary,

Jammikunta, Karimnagar District.

16 Agricultural Market Committee, rep. by the Secretary,

Husnabad, Karimnagar District A.P.

17 Agricultural Market Committee, rep. by the Secretary,

Huzurabad, Karimnagar District A.P.
18 Agricultural Market Committee, rep. by the Secretary,

Gadwal, Mahaboob Nagar District A.P.
19 Agricultural Market Committee, rep. by the Secretary,

Shadnagar, Mahaboobnagar District A.P.
20 Agricultural Market Committee, rep. by the Secretary,

Alampur, Mahaboobnagar District A.P.
21 Agricultural Market Committee, rep. by the Secretary,

Zaherabad, Medak District A.P.
22 Agricultural Market Committee, rep. by the Secretary,

Siddipet, Medak District A.P.
23 Agricultural Market Committee, rep. by the Secretary,

Gajwel, Medak District A.P.
24 Agricultural Market Committee, rep. by the Secretary,

Nizamabad Post & District A.P.
25 Agricultural Market Committee, rep. by the Secretary,

Kamareddy, Nizamabad District A.P.
26 Agricultural Market Committee, rep. by the Secretary,

Armoor, Nizamabad District A.P.
27 Agricultural Market Committee, rep. by the Secretary,

Nakrekal, Nalgonda District A.P.
28 Agricultural Market Committee, rep. by the Secretary,

Suryapet, Nalgonda District A.P.
29 Agricultural Market Committee, rep. by the Secretary,

Choutuppal, Nalgonda District A.P.
30 Agricultural Market Committee, rep. by the Secretary,

Warangal Post and District A.P.
31 Agricultural Market Committee, rep. by the Secretary,

Jangaom, Warangal District A.P.
32 Agricultural Market Committee, rep. by the Secretary,

Cherial, Warangal District A.P.
33 Agricultural Market Committee, rep. by the Secretary,

Kodakandla, Warangal District A.P.
34 Agricultural Market Committee, rep. by the Secretary,

Kurnool Post & District A.P.
35 Agricultural Market Committee, rep. by the Secretary,

Alur, Kurnool District.
36 Agricultural Market Committee, rep. by the Secretary,

Nandyal, Kurnool District.
37 Agricultural Market Committee, rep. by the Secretary,

Allagadda, Kurnool District A.P.
38 Agricultural Market Committee, rep. by the Secretary,

Mydukuru, Kadapa District.

39 Agricultural Market Committee, rep. by the Secretary,

Badvel, Kadapa District.

40 Agricultural Market Committee, rep. by the Secretary,

Prodatur, Kadapa District.
41 Agricultural Market Committee, rep. by the Secretary,

Rayachoti, Kadapa District.
42 Agricultural Market Committee, rep. by the Secretary,

Siddout, Kadapa District.
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Kadiri, Ananthapur District.

44 Agricultural Market Committee, rep. by the Secretary,

Hindupur, Ananthapur District.
45 Agricultural Market Committee, rep. by the Secretary,

Madanapalli, Chittoor District,

46 Agricultural Market Committee, rep. by the Secretary,

Panganur, Chittoor District.
47 Agricultural Market Committee, rep. by the Secretary,

Thamballapalli at Mulakalacheruvu Post, Chittoor District.
48 Agricultural Market Committee, rep. by the Secretary,

Eluru, W.G.District.
49 Agricultural Market Committee, rep. by the Secretary,

Tadapally Gudam, W.G.District.
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Tanuku, W.G.District.
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Chintalapudi, W.G.District.
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Gopalapuram, W.G.District.
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Nuzvad, Krishna District.
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Gannavaram, Krishna District.
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Thiruvuru, Krishna District.
59 Agricultural Market Committee, rep. by the Secretary,

Nandigama, Krishna district.
60 Agricultural Market Committee, rep. by the Secretary,

Kanchikacharla, Krishna District.
61 Agricultural Market Committee, rep. by the Secretary,

Mylavaram, Krishna District.
62 Agricultural Market Committee, rep. by the Secretary, Guntur

Post and District.
63 Agricultural Market Committee, rep. by the Secretary,

Palanadu at Piduguralla Post, Guntur District.
64 Agricultural Market Committee, rep. by the Secretary,

Vinukonda, Guntur District.

65 Agricultural Market Committee, rep. by the Secretary,

Macharla, Guntur District.
66 Agricultural Market Committee, rep. by the Secretary,

Chilakaluripet, Guntur District.
67 Agricultural Market Committee, rep. by the Secretary,

Giddalur, Prakasham District.
68 Agricultural Market Committee, rep. by the Secretary,

Kandukur, Prakasham District.
69 Agricultural Market Committee, rep. by the Secretary,

Markapur, Prakasham District.
70 Agricultural Market Committee, rep. by the Secretary,

Purchur, Prakasham District.
71 Agricultural Market Committee, rep. by the Secretary,

Addanki, Prakasham District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction or writ more appropriately a Writ of Mandamus to declare the impugned action of the respondents in insisting to take license and to pay the market fee on sale and purchase of SEEDS as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding to take license and to pay the market fee on the sale and purchase of all types of seeds for sowing purpose from the petitioner and also direct the respondents to refund the illegally collected market fee from the petitioner.

Counsel for the Petitioner: MR.K.RAJANNA

Counsel for the Respondent Nos1 to 3: G.P. FOR AGRICULTURE

Counsel for the Respondent Nos.4 to 33: Mr.V.V.Narayana Rao,

S.C. for AMC

Counsel for the Respondent Nos.34 to 47: Mr.K.Bhanu Prakash

S.C. for A.M.C.

Counsel for the Respondent Nos.48 to 71: Mr.K.Madhava Reddy,

S.C. for A.M.C.

WRIT PETITION NO : 4000 of 2005:

Between:

M/s. Syngenta India Limited, Rep. by the GPA Holder,
Wasudha Korke W/o. Sharath Korke, Puna, Maharastra,

Branch Office at 3-5-807/1/C/1,Hyderguda, Hyderabad. Processing Plant at ADONI-518301. (A.P.), Kurnool District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Rep. by the Principal

Secretary, Agricultural and Cooperation (Marketing)

Department, Secretariat, Hyderabad. (A.P).
2. Commissioner and Director of Marketing, Burgula

Ramakrishna Rao Building, Near Tank Bund, Hyderabad (A.P.)

3. Director General Vigilance and Enforcement, Government of

Andhra Pradesh, Burgula Ramakrishna Rao
Building, Near Tank Bund, Hyderabad (A.P.)
4. Agricultural Market Committee, Rep. by its Secretary,
Adoni, Kurnool District (A.P.)
5. Agricultural Market Committee, Rep. by its Secretary,
Kurnool (Post & District) A.P.
6. Agricultural Market Committee, Rep. by its Secretary,
Alur, Kurnool District (A.P.)
7. Agricultural Market Committee, Rep. by its Secretary,
Nandikotkur, Kurnool District (A.P.)
8. Agricultural Market Committee, Rep. by its Secretary,
Nandyal, Kurnool District (A.P.)
9. Agricultural Market Committee, Rep. by its Secretary,
Kadapa (Post & District) -= 518 003 (A.P.)
10 Agricultural Market Committee, Rep. by its Secretary,
Mydukuru, Kadapa District.
11 Agricultural Market Committee, Rep. by its Secretary,
Badvel, Kadapa District.
12 Agricultural Market Committee, Rep. by its Secretary,
Prodatur, , Kadapa District.
13 Agricultural Market Committee, Rep. by its Secretary,
Rajampet, Kadapa District.

14 Agricultural Market Committee, Rep. by its Secretary,
Eluru, West Godavari District.
15 Agricultural Market Committee, Rep. by its Secretary,
Tadepally Gudam, West Godavari District.
16 Agricultural Market Committee, Rep. by its Secretary,
Bheemavaram, West Godavari District.
17 Agricultural Market Committee, Rep. by its Secretary,
Tanuku, West Godavari District.

18 Agricultural Market Committee, Rep. by its Secretary,
Chintalapudi, West Godavari District.
19 Agricultural Market Committee, Rep. by its Secretary,
Bhimadole, West Godavari District.

20 Agricultural Market Committee, Rep. by its Secretary, Jangareddygudam, West Godavari District.
21 Agricultural Market Committee, Rep. by its Secretary, Sathupalli, Khammam District.
22 Agricultural Market Committee, Rep. by its Secretary, Dammapet, Khammam District.
23 Agricultural Market Committee, Rep. by its Secretary, Huzurabad, Karimnagar District.
24 Agricultural Market Committee, Rep. by its Secretary, Warangal (Post & District))
25 Agricultural Market Committee, Rep. by its Secretary, Jammikunta, Karimnagar District.
26 Agricultural Market Committee, Rep. by its Secretary, Karimnagar (Post & District)
27 Agricultural Market Committee, Rep. by its Secretary, Purchoor, Prakasam District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more appropriately a writ of Mandamus to declare the impugned action of the respondents in insisting to take licence and to pay the market fee on sale and purchase of 'Seeds' as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding to take license and to pay the market fee on the sale and purchase of all types of seeds for sowing purpose from the petitioner by setting aside the notices ROC.No.3371/2004, dated 03-08-2004, Roc.No.337/2/2004 dated 03-08-2004 Roc.No.337/3/ 2004 dated 03-08-2004, Roc.No.337/2/2004 dated 03-08-2004 Roc.No.337/3/2004 dated 03-08-2004, and Roc.No.337/4/2004 dated 03-08-2004 issued by the 4th respondent and also direct the respondents to refund the illegally collected market fee from the petitioner and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAJANNA

Counsel for the Respondent Nos1 to 3: G.P. FOR AGRICULTURE

Counsel for the respondent Nos. 4 to 13: Mr.K. Bhanu Prakash

S.C. for A.M.C.

Counsel for the respondent Nos.14 to 20: Mr.K. Madhava Reddy

SC for A.M.C.

Counsel for the respondent Nos.21 to 27: Mr.V.V.Narayana Rao,

S.C. for A.M.C.

-

WRIT PETITION NO : 4129 of 2005:

Between:

M/s. Yaganti seeds Pvt. Ltd., rep by Managing Director,

Y. Venkateshwarulu S/o Pedda Ramaiah

411B, Babukhan Estate, Basheerbagh, Hyderabad

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep by Principal Secretary,

Agriculture and Cooperation (Marketing) Department

Secretariat, Hyderabad (AP)
2. Commissioner and Director of Marketing Burgula Ramakrishna

Rao Building Near Tank Bund, Hyderabad (AP)
3. Director General Vigilance and Enforcement Government of

A.P., Burgula Ramakrishna Rao Building Near Tank Bund,

Hyderabad (AP).
4. Agriculture Market Committee, rep by Secretary Hyderabad

(Post & District)
5. Agriculture Market Committee rep by Secretary, Shankar Pally,

Ranga Reddy District (AP),
6. Agriculture Market Committee rep by Secretary Pargi, Ranga

Reddy District (AP),
7. Agriculture Market Committee rep by Secretary Medchal,

Ranga Reddy District
8. Agriculture Market Committee rep by Secretary Nirmal,

Adilabad District (AP).,
9. Agriculture Market Committee rep by Secretary Khammam

(Post & District) IA)),
10 Agriculture Market Committee rep by Secretary Sattupalli,

Khamma District (AP)
11 Agriculture Market Committee rep by Secretary Kallur,

Khamma District (AP)
12 Agriculture Market Committee rep by Secretary Danmapet,

Khammam District (AP).
13 Agriculture Market Committee rep by Secretary Karimnagar

(Post & District) (AP)
14 Agriculture Market Committee rep by Secretary Jagtial,

Karimangar District (AP)
15 Agriculture Market Committee rep by Secretary Jammikunta,

Karimangar District (AP)
16 Agriculture Market Committee rep by Secretary Husnabad,

Karimangar District (AP)

17 Agriculture Market Committee rep by Secretary Huzurabad,

Karimangar District (AP)
18 Agriculture Market Committee rep by Secretary Gadwal,

Mahaboob Nagar District (AP)
19 Agriculture Market Committee rep by Secretary Shadnagar,

Mahaboobnagar District (AP)
20 Agriculture Market Committee rep by Secretary Alampur,

Mahaboobnagar District (AP)
21 Agriculture Market Committee rep by Secretary Zaheerabad,

Medak District (AP)
22 Agriculture Market Committee rep by Secretary Siddipet,

Medak district
23 Agriculture Market Committee rep by Secretary Gajwel,

Medak District (AP)
24 Agriculture Market Committee rep by Secretary Nazamabad

(post & District)(AP)
25 Agriculture Market Committee rep by Secretary Kamareddy,

Nizamabad District (AP),
26 Agriculture Market Committee rep by Secretary Armoor,

Nizamabad District (AP),
27 Agriculture Market Committee rep by Secretary Nakrekal,

Nalgonda District (AP)

28 Agriculture Market Committee rep by Secretary Suryapet,

Nalgonda District (AP)
29 Agriculture Market Committee rep by Secretary Choutuppal,

Nalgonda district (AP)
30 Agriculture Market Committee rep by Secretary Warangal

(Post & District (AP)
31 Agriculture Market Committee rep by Secretary Jangaom,

Warangal District (AP),
32 Agriculture Market Committee rep by Secretary Cherial,

Warangal District (AP)
33 Agriculture Market Committee rep by Secretary Kodakandla,

Warngal District (AP),
34 Agriculture Market Committee rep by Secretary Kurnool

(Post & District)
35 Agriculture Market Committee rep by Secretary Alur,

Kurnool District
36 Agriculture Market Committee rep by Secretary Nandyal,

Kurnool District
37 Agriculture Market Committee rep by Secretary Allagadda,

Kurnool District
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Kadapa District
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Ananthapur District
44 Agriculture Market Committee rep by Secretary Hindupur,

Ananthapur district
45 Agriculture Market Committee rep by Secretary Madanapalli,

Chittoor District
46 Agriculture Market Committee rep by Secretary Punganur,

Chittoor District
47 Agriculture Market Committee rep by Secretary Thamballapalli

At Mulakalacheruvu Post, Chittoor District
48 Agriculture Market Committee rep by Secretary Eluru, West

Godavari District
49 Agriculture Market Committee rep by Secretary Tadapally

Gudam, West Godavari District
50 Agriculture Market Committee rep by Secretary Tanuku, West

Godavari District
51 Agriculture Market Committee rep by Secretary Chintalapudi,

West Godavari District
52 Agriculture Market Committee rep by Secretary Polavaram,

West Godvari District
53 Agriculture Market Committee rep by Secretary Bheemadole,

West Godavari District
54 Agriculture Market Committee rep by Secretary Gopalapuram,

West Godavari District
55 Agriculture Market Committee rep by Secretary

Rajahmundary, East Godavari District
56 Agriculture Market Committee rep by Secretary Nuzvad,

Krishna District

57 Agriculture Market Committee rep by Secretary Gannavaram,

Krishna District
58 Agriculture Market Committee rep by Secretary Thiruvuru,

Krishna District
59 Agriculture Market Committee rep by Secretary Nandigama,

Krishna District
60 Agriculture Market Committee rep by Secretary

Kanchikacharla, Krishna District
61 Agriculture Market Committee rep by Secretary Mylavaram,

Krishna District
62 Agriculture Market Committee rep by Secretary Guntur

(POst&District)
63 Agriculture Market Committee rep by Secretary Palanadu at

Piduguralla Post, Guntur District
64 Agriculture Market Committee rep by Secretary Vinukonda,

Guntur District
65 Agriculture Market Committee rep by Secretary Macharla,

Guntur District
66 Agriculture Market Committee rep by Secretary chilakaluripet,

Guntur District

67 Agriculture Market Committee rep by Secretary Giddalur,

Prakasham District
68 Agriculture Market Committee rep by Secretary Kandukur,

Prakasam District
69 Agriculture Market Committee rep by Secretary Markapur,

Prakasham District
70 Agriculture Market Committee rep by Secretary Purchur,

Prakasham District
71 Agriculture Market Committee rep by Secretary Addanki,

Prakasham District

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or Writ more particularly a Writ of Mandamus to declare the impugned action the respondents in insisting to take license and to pay the market fee on sale and purchase of the 'SEEDS' as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding to take license and to pay the market fee on

the sale and purchase of all types of seeds for wowing purpose from the petitioner and also direct the respondents to refund the illegally collected market fee from the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAJANNA

Counsel for the Respondent Nos1 to 3: G.P. FOR AGRICULTURE

Counsel for the Respondent Nos.4 to 33: Mr.V.V.Narayana Rao,

S.C. for AMC

Counsel for the Respondent Nos.34 to 47: Mr.K.Bhanu Prakash

S.C. for A.M.C.

Counsel for the Respondent Nos.48 to 71: Mr.K.Madhava Reddy,

S.C. for A.M.C.

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.4183 OF 2005,

W.P.NO.4000 OF 2005

AND

W.P.NO.4129 of 2005

ORAL COMMON ORDER:

Heard both sides.

2. The subject matter in the present writ petitions is regarding collection of market fee on seeds.

3. It is brought to the notice of this Court by the learned Counsel appearing for the petitioners as well as the learned Standing Counsel

appearing for the Agricultural Market Committees Sri V.V.N.Narayana Rao and Sri Madhava Reddy, that the guidelines, insofar as the collection of market fee on seeds are concerned, were already issued by this Court in a batch of writ petitions i.e., W.P.No.21353 of 2004, which were disposed of by a common order, dated 08-02-2005. They therefore requested this Court to dispose of the present writ petitions also in terms of the said guidelines issued by this Court in the aforesaid batch of writ petitions.

4. In other words, it is the contention of all the learned counsel appearing for all the parties in the present writ petitions that the guidelines issued in the said batch of writ petitions are applicable to the present writ petitions also in all fours.

5. Having regard to the guidelines issued by this Court in a common judgment, dated 08-02-2005, in a batch of writ petitions i.e., W.P.No.21353 of 2004 and Batch, the present writ petitions are also disposed of, at the stage of admission, in terms of the guidelines issued by this Court in the aforesaid batch of writ petitions. However, there shall be no order as to costs.

D.S.R.VARMA, J

07TH MARCH 2005

KRK/ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Govt. of A.P.,
Agriculture and Cooperation (Marketing) Department,

Secretariat, Hyderabad.(A.P.).
2. The Commissioner and Director of Marketing,

Burgula Ramakrishna Rao Building,
Near Tank Bund, Hyderabad A.P.
3. The Director General Vigilance and Enforcement, Govt of A.P.,

Burgula Ramakrishna Rao Buildings,
Near Tank Bundk, Hyderabad A.P.
4. The Secretary, Agricultural Market Committee,

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Rajampet, Kadapa District.

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Bheemavaram, West Godavari District.
77. The Secretary, Agricultural Market Committee,
Jangareddygudam, West Godavari District.

78. Two CCs to G.P. for Agriculture, High Court Buildings, Hyderabad (OUT).

79. Two CD copies.